

**MINUTES FOR THE COURT OF APPEAL  
STATE OF CALIFORNIA  
SECOND APPELLATE DISTRICT**

**February 24, 2010**

DIVISION ONE

Court convened at 9:00 a.m.

Present: Mallano, P.J., Rothschild, J., Chaney, J., Johnson, J. and C. Hon, Deputy Clerk.

B209274      Roth v. Fryzer

Matter continued to March 23, 2010.

Each of the following:

B211550 Levaton v. Levaton

B211932 Shalant v. Girardi

B214302 Shalant v. Girardi

Matter continued to March 24, 2010.

Each of the following:

B211226 Conservatorship of Takayama

B212760 Flores v. County of Los Angeles

Matter ordered off calendar.

B213954      Van Parys et al.  
                  v.  
                  9th Street Market Lofts, LLC

Merits:

Argued by R. Jane Lynch for appellants and no appearance for respondent.  
Cause submitted.

DIVISION ONE (continued)

B216421      Goodrich  
                 v.  
                 City Of Los Angeles

Merits:

Argued by Fred N. Gaines for appellant and by Michael J. Bostrom for respondent. Cause submitted.

B219024      Henderson  
                 v.  
                 Superior Court, Los Angeles County  
                 (Macquarie Cook Energy, r.p.i.)

Merits:

Argued by Joseph M. Lovretovich for petitioner and by Sherry L. Swieca for real party in interest. Cause submitted.

B216373      Gravillis, et al.  
                 v.  
                 Coldwell Banker Residential Brokerage Co., et al.

Merits:

Argued by Carlos V. Yguico for appellants and by James S. Link for respondents. Cause submitted.

B211253      Western States, Inc., et al.  
B211296      v  
                 City Of Los Angeles

Merits:

Argued by Thomas A. Nitti for appellants and by Gerald M. Sato for respondent. Cause submitted.

DIVISION ONE (continued)

B208401      Decena, et al.  
                 v.  
                 Pacific Specialty Insurance Company

Merits:  
Argued by Michelle K. Burton for appellant and by Jeffrey I. Ehrlich for respondent. Cause submitted.

Mallano, P.J. leaves the bench.

B213664      Nazaretyan, et al.  
                 v.  
                 California Physician Service

Merits:  
Argued by Jeffrey I. Ehrlich for appellants and by Gregory N. Pimstone for respondent. Cause submitted.

Court adjourned.

B214181      People  
                 v.  
                 Cervantes

The Court:  
This is an appeal of a commitment order that expired December 15, 2009. On February 4, 2010, the court asked Respondent to file a letter indicating whether the District Attorney for the County of Los Angeles had filed another petition to extend the commitment order, pursuant to Penal Code section 2970. Respondent's letter, filed February 4, 2010, indicated that, although a new petition was filed, it was withdrawn prior to trial because the forensic evaluator determined that Appellant no longer qualified for commitment under Penal Code section 2970. On February 11, 2010, Respondent filed a letter stating that Appellant had been discharged. Appellant now concedes that the appeal is moot. The appeal is dismissed as moot.

DIVISION TWO

[illegible]

The judgment is affirmed.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                      Chavez, J.

B218253 People (Not for Publication)  
v.  
Gullilan

The Court:

The judgment is affirmed.

Doi Todd, Acting P.J., Ashmann-Gerst, J., Chavez, J.

B212237      DeMille      (Not for Publication)  
v.  
Gilbert

The judgment is affirmed. Respondent(s) to recover costs.

Ashmann-Gerst, J.

We concur:   Boren, P.J.  
                  Doi Todd, J.

B214945      Castillo  
v.  
Beverly Books Inc.

Filed order denying petition for rehearing.

The petition is denied. Our decision is final immediately as to this court. (Cal. Rules of Court, rule 8.490(b)(3).)

Klein, P.J.

We concur:   Croskey, J.  
                      Kitching, J.

The order is reversed and remanded to the juvenile court for further proceedings consistent with this opinion.

Aldrich, J.

We concur: Klein, P.J.  
Croskey, J.

The petition for writ of mandate is denied. The stay is lifted.

Aldrich, J.

We concur: Klein, P.J.  
Kitching, J.

DIVISION FOUR

B212099      Renshaw      (Not for Publication)  
v.  
California Unemployment Insurance Appeals Board

The judgment is affirmed. The parties are to bear their own costs on appeal.

Willhite, J.

We concur: Epstein, P.J.  
Suzukawa, J.

B211391      Sasaki-Hayward      (Not for Publication)  
v.  
The Regents of the University of California

The summary judgment is affirmed. Defendants are awarded their costs.

Suzukawa, J.

We concur: Willhite, Acting P.J.  
Manella, J.

B215098      Laura Serio      (Not for Publication)  
v.  
Donald Serio

The judgment is affirmed. Donald is awarded his costs on appeal.

Manella, J.

We concur: Epstein, P.J.  
Suzukawa, J.

February 24, 2010 (Continued)

## DIVISION FOUR (continued)

[illegible]

The convictions are affirmed and the matter is remanded to the trial court for resentencing.

Suzukawa, J.

We concur: Epstein, P.J.  
Manella, J.

[illegible]

The order is affirmed.

Manella, J.

We concur: Willhite, Acting P.J.  
Suzukawa, J.

[illegible]

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.  
Manella, J.

DIVISION FOUR (continued)

B218125      People                      (Not for Publication)  
                 v.  
                 Vera

The judgment is affirmed.

Willhite, J.

We concur:   Epstein, P.J.  
                 Manella, J.

B217127      People                      (Not for Publication)  
                 v.  
                 Ahn

The judgment is affirmed.

Epstein, P.J.

We concur:   Willhite, J.  
                 Manella, J.

B217537      People                      (Not for Publication)  
                 v.  
                 Moore

The judgment is affirmed.

Manella, J.

We concur:   Epstein, P.J.  
                 Suzukawa, J.



## DIVISION FOUR (continued)

B213571 People (Not for Publication)  
v.  
Gastelum

The judgment is affirmed.

Suzukawa, J.

We concur: Epstein, P.J.  
Willhite, J.

DIVISION FIVE

B213745      People                                  (Not for Publication)  
v.  
Miguel Segura

The judgment is affirmed.

Kriegler, J.

We concur:   Armstrong, Acting P.J.  
Mosk, J.

B218427      Los Angeles County, D.C.F.S.      (Not for Publication)  
v.  
K.M.

The judgment is affirmed.

Kriegler, J.

We concur:   Turner, P.J.  
                      Armstrong, J.

February 24, 2010 (Continued)

## DIVISION FIVE (continued)

B217578      Joel Drum      (Certified for Publication)  
v.  
San Fernando Valley Bar Association

The judgment is affirmed. Respondent(s) to recover costs.

Mosk, J.

We concur:   Turner, P.J.  
                      Kriegler, J.

B212235      Cindy Wiese      (Not for Publication)  
v.  
Kelly Owen, et al.

The judgment is reversed, and the case remanded to the trial court on the contract cause of action only. Appellants to recover costs on appeal.

Armstrong, Acting P.J.

I concur: Mosk, J.  
I concur and dissent: Kriegler, J. (Opinion)

DIVISION SIX

B213787      McClellan-Noe      (Not for Publication)  
v.  
Noe

The judgment (order) is affirmed. Costs are awarded to Wife.

Gilbert, P.J.

We concur: Yegan, J.  
Coffee, J.

DIVISION SIX (continued)

B209277 Friends of Outer State Street  
v.  
City of Santa Barbara, et al.

Filed order denying petition for rehearing.

DIVISION SEVEN

B210881 People  
v.  
Risher

Filed order denying petition for rehearing.

DIVISION EIGHT

B206569 People (Not for Publication)  
v.  
Donald Sanders

The judgment is affirmed.

Flier, J.

We concur: Rubin, Acting P.J.  
Mohr, J. (Assigned)

B205604 Mihran Novshatian (Not for Publication)  
v.  
Alex Cruz

The judgment is affirmed. Cruz is awarded costs on appeal.

Bigelow, P.J.

We concur: Rubin, J.  
Mohr, J. (Assigned)

## DIVISION EIGHT (continued)

B210434 People (Not for Publication)

V.

Wilmer M.,

In re Wilmer M., a Person Coming Under the Juvenile Court Law.

The juvenile court's findings that Wilmer committed the crimes second degree robbery, and assault by means likely to produce great bodily injury are affirmed. The court's finding that Wilmer committed the offenses for the benefit of a criminal street gang is reversed. The cause is remanded to the juvenile court with directions to reconsider Wilmer's disposition, and, in that context, and in accord with this opinion, to modify the probation condition directing him not to knowingly participate in any type of criminal street gang activity.

Bigelow, P.J.

We concur: Flier, J.

Mohr, J. (Assigned)

B210750      Barbara House      (Not for Publication)

V.

James F. House

The order of June 5, 2008, is reversed to the extent it requires valuation of the retirement benefits as of the date of the November 15, 2001 judgment, and the cause is remanded to the trial court with directions to vacate the June 5, 2008 order and enter a new order requiring the retirement benefits to be valued as of November 1, 2005. Barbara L. House shall recover her costs on appeal.

Mohr, J. (Assigned)

We concur:   Bigelow, P.J.

Flier, J.

DIVISION EIGHT (continued)

B210392 Crocker (Not for Publication)

v.

Jaguar land Rover North America, LLC

The judgment is affirmed. Michelle Crocker is to recover her costs on appeal.

Lichtman, J. (Assigned)

We concur: Rubin, Acting P.J.  
Flier, J.

B206086 Sheen (Not for Publication)

v.

Galliani

The order of December 24, 2007 is modified to provide that the production shall be to Anthony Sheen and his attorney only, and shall be limited to Howell's and Galliani's files and papers that were prepared on or before April 30, 2006. As so modified, the order is affirmed. The order of February 21, 2008, denying the application to vacate the order, is affirmed. The parties shall bear their own costs.

Lichtman, J. (Assigned)

We concur: Bigelow, P.J.  
Rubin, J.

B196896 Stacey Palmer (Not for Publication)

v.

Carmen Thompson

The judgment is reversed. Appellant Carmen Thompson shall recover her appellate costs.

Rubin, J.

We concur: Bigelow, P.J.  
Mohr, J. (Assigned)

DIVISION EIGHT (continued)

B213300      Pacsun, LLC  
                 v.  
                 Pardee Homes

Filed order denying petition for rehearing.